

United States Court of Appeals
for the Fifth Circuit

No. 25-10993
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 6, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

PEDRO DELGADO-RAMIREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-102-1

Before WIENER, WILLETT, and WILSON, *Circuit Judges.*

PER CURIAM:*

Pedro Delgado-Ramirez appeals following his conviction for illegal reentry in violation of 8 U.S.C. § 1326(a). Delgado-Ramirez contends that the statutory sentencing enhancement in § 1326(b) is unconstitutional. He concedes that this issue is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), and seeks to preserve the issue for Supreme Court

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 25-10993

review. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file its brief.

The parties are correct that Delgado-Ramirez’s argument is foreclosed by *Almendarez-Torres*. See *United States v. Pervis*, 937 F.3d 546, 553–54 (5th Cir. 2019); see also *Erlinger v. United States*, 602 U.S. 821, 838 (2024) (explaining that *Almendarez-Torres* “persists as a narrow exception permitting judges to find only the fact of a prior conviction” (internal quotation marks and citation omitted)). Summary affirmance is therefore appropriate. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment is AFFIRMED.